

REMARKS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 26-43 and 49-61 are presently active in this application, Claims 2-25 and 44-48 having been canceled, Claim 1 having been amended and Claims 52-61 having been added by way of the present Preliminary Amendment.

Amended Claim 1 and new Claims 52-61 are fully supported by the specification, drawings and claims as originally filed. Applicants therefore submit that no new matter has been introduced.

In response to the Restriction Requirement in the Official Action mailed October 8, 2004, Applicant provisionally elects Invention I, Claims 1, 43 and 52-61, drawn to an exposure method for forming patterns of a plurality of layers on a substrate using a plurality of exposure apparatuses, classified in class 355, subclass 77 for further examination on the merits in the present application.

New Claims 52-61 are drawn to the Invention I, an exposure method for forming patterns of a plurality of layers on a substrate using a plurality of exposure apparatuses.

Applicant respectfully traverses the Restriction requirement for the following reason.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct of independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicant respectfully traverses the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

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Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that full examination on the merits of each of Claims 1, 26-43 and 49-61 be conducted.

Respectfully submitted,

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